IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE SHRI JUSTICE R.SUBHASH REDDY
WRIT PETITION No. 19371 of 1997

Dated 31st October, 2006

Between
Bathula Anjaneyulu

…Petitioner

And

A.P.Social Welfare Residential
Educational Institutions Society,
represented by its Secretary,
Masab Tank, Hyderabad and another.

…Respondents.

ORAL ORDER:

In this writ petition, the petitioner seeks relief by way of mandamus to declare the action of the first respondent – A.P. Social Welfare Residential Educational Institutions Society in appointing second respondent as Arts Teacher pursuant to notification dated 21.12.1996, as illegal.

The first respondent-society had issued notification by publication in daily newspapers, namely, Vartha and Eenadu on 23.12.1996 and 24.12.1996 calling for applications for appointment to various posts including the post of Arts Teacher. Altogether, 324 applications were received and Selection Committee was constituted by three eminent persons to select the candidate for the post of Arts Teacher. In the selections made, though the petitioner was figured at Sl.No.17 and second respondent was figured at Sl.No.34, second respondent was selected and appointed. Therefore, the petitioner challenged the appointment of the second respondent on the ground that the second respondent is less meritorious than the petitioner, in this writ petition.

It is stated in the counter-affidavit that the petitioner did not enclose the required marks memo of 10th semester of degree course as indicated in the notification itself. It is further stated that by press release dated 21.2.1997, all the candidates who had applied for the various posts were again requested to submit the required educational qualifications certificates, but, in spite of the same, the petitioner did not respond to the said press release. As

such, while rejecting the application of the petitioner, the second respondent was appointed.

It is submitted by the learned counsel for the petitioner that in spite of submission of representation to the respondents that he is more meritorious than the 2nd respondent and he deserves to be appointed, there was no response from the respondents.

Though counter affidavit was filed in the year 1997, the averments in the counter affidavit that the petitioner did not produce the composite memo of 10th semester in proof of his educational qualification and eligibility criteria, he has not controverted the same by filing reply affidavit to the counter. It is evident from the counter that there was not only such a condition in the notification calling for applications, but even a press note was also issued requiring the candidates to submit their educational certifications. But, in spite of the same, it appears, the petitioner did not respondent by filing the composite memo as stipulated in the notification itself. In the absence of fulfillment of the said requirement by the petitioner, the candidature of second respondent was considered and he was appointed in the year 1997 itself. Therefore, the petitioner having failed to submit necessary certifications as per the notification, it is not open for him to plead that the first respondent ought to have appointed him.

In the light of the above averments and reasons stated above, I do not find any illegality in the appointment of the second respondent to the post of Arts Teacher. Further, the appointment was made in the year 1997 and the second respondent has put in about 10 years of service. In that view of the matter, it is not a fit case for interference in exercise of the power under Article 226 of the Constitution of India in this writ petition.

The writ petition is devoid of any merit and the same is

accordingly dismissed.

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31.10.2006

R.SUBHASH REDDY, J.

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